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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DIANNA LYNN HARRIS, :  
Plaintiff :  
v. : No. 1:CV-01-0270  
: (Judge Kane)  
PENNSYLVANIA BOARD OF :  
PROBATION AND PAROLE, :  
et al., :  
Defendants :

FILED  
HARRISBURG, PA

AUG 13 2001

MARY E. DIANDREA, CLERK  
Per EJ  
Deputy Clerk

**MOTION TO DISMISS THE COMPLAINT**

Pursuant to Fed. R. Civ. P. 12(b)(1) and (6), defendants hereby move to dismiss the complaint in this action. The Court should dismiss the complaint because it lacks jurisdiction over the subject matter and because the complaint fails to state any claim against defendants upon which relief can be granted.

A brief in support of this motion will be filed within the period prescribed by the local rules of court for this District and the Federal Rules of Civil Procedure.

WHEREFORE, the Court should dismiss the complaint in this action.

Respectfully submitted,

**D. MICHAEL FISHER**  
**Attorney General**

By: Lisa W. Basial  
**LISA W. BASIAL**  
**Deputy Attorney General**  
**I.D. #71554**

**SUSAN J. FORNEY**  
**Chief Deputy Attorney General**  
**Chief, Litigation Section**

**COUNSEL FOR DEFENDANTS**

**Office of Attorney General**  
**15<sup>th</sup> Fl., Strawberry Square**  
**Litigation Section**  
**Harrisburg, PA 17120**  
**(717) 787-7157**

**Dated: August 13, 2001**

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Defendants :

**CERTIFICATE OF NON-CONCURRENCE**

LISA W. BASIAL, Deputy Attorney General, counsel for defendants, hereby certifies that plaintiff's counsel, Joseph Bouvier, Esq., does not concur in this motion.

Lisa W. Basial  
LISA W. BASIAL  
Deputy Attorney General  
I.D. No. 71554

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**CERTIFICATE OF SERVICE**

I, LISA W. BASIAL, Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on **August 13, 2001**, I served a true and correct copy of the foregoing **Motion to Dismiss the Complaint** by causing it to be deposited in the United States Mail, first-class postage prepaid to the following:

**Eugene Mattioni, Esquire  
Joseph Bouvier, Esquire  
Mattioni, LTD.  
399 Market Street, 2<sup>nd</sup> Floor  
Philadelphia, PA 19106**

Lisa W. Basial

**LISA W. BASIAL  
Deputy Attorney General**